

OFFICIAL COPY

Fresno, California

March 14, 2000

The City Council met in regular session at the hour of 9:44 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting President
	Chris Mathys	Councilmember (Arrived later)
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Ken Steitz	Councilmember (Arrived later)
	Tom Boyajian	Council President
Absent:	Dan Ronquillo	Councilmember (Absent)

Jeff Reid, City Manager
Dan Fitzpatrick, Agency Executive Director
Hilda Cantu Montoy, City Attorney
Rebecca Klisch, City Clerk
Cindy Hamby, Deputy City Clerk
Yolanda Salazar, Assistant City Clerk

(8:30 A.M.) REGULAR JOINT MEETING WITH THE REDEVELOPMENT AGENCY
(“A”) DISCUSS EXISTING POLICY (CITY/STATE/FEDERAL) RELATIVE TO THE PLACEMENT OF
GOVERNMENT FACILITIES IN DOWNTOWN FRESNO - COUNCILMEMBER PEREA (COUNCIL AND
AGENCY ACTION)

Not held.

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Jeff Harrington, Central Community Church, gave the invocation.

Councilmember Perea led the Pledge of Allegiance to the Flag.

PRESENTATION OF STUDENT OF THE QUARTER AWARDS - COUNCILMEMBER PEREA

CERTIFICATES TO FRESNO P.A.L. BASKETBALL TEAMS - COUNCILMEMBER QUINTERO

PROCLAMATION OF DEVELOPMENTAL DISABILITIES AWARENESS MONTH - MAYOR PATTERSON

PROCLAMATION OF HANSON FAMILY DAY - COUNCILMEMBER STEITZ

PROCLAMATION OF NATIONAL SAFE PLACE WEEK - CITY COUNCIL **(2-0)**

The above proclamations and certificates were read and presented.

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APPROVE MINUTES OF FEBRUARY 29, 2000

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the minutes of February 29, 2000, approved as submitted.

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APPROVE AGENDA:

(9:15 A.M.) City Clerk Klisch announced Mr. Zack withdrew his request to appear. Councilmember Mathys arrived at the meeting at the hour of 10:06 a.m.

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, item 3C listed under General Administration rescheduled for 2:00 p.m., by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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ADOPT CONSENT CALENDAR:

(1A-1) RESOLUTION NO. 2000-70 - AUTHORIZING THE PURCHASE OF ONE TURBOWAY 2000 PASSENGER LOADING RAMP AND ONE TURBOWAY 2000 EXTENDED REACH PASSENGER LOADING RAMP FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI) WITHOUT ADVERTISED COMPETITIVE BIDDING UNDER THE SOLE SOURCE EXCEPTION

(1A-2) REJECT ALL BIDS FOR BID ITEMS 16 AND 17; AND AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO MCCAIN TRAFFIC SUPPLY IN THE AMOUNT OF \$23,186.65 FOR TRAFFIC SIGNAL PARTS AND EQUIPMENT

(1A-3) AUTHORIZE THE CITY TO ARRANGE FOR 3-YEAR FINANCING UNDER THE EXISTING MASTER EQUIPMENT LEASE-PURCHASE AGREEMENT WITH PITNEY BOWES CREDIT CORPORATION TO PAY FOR THE PURCHASE OF 20 MDS UNITS AND 20 POLICE RADIOS, AND OTHER RELATED EQUIPMENT AND THE INSTALLATION THEREOF

(1A-4) APPROVE EXTENSION OF A TEMPORARY USE PERMIT ISSUED BY THE CITY TO GLOBE AVIATION SECURITY SERVICES, INC., TO OCCUPY PREMISES AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI)

(1A-5) RESOLUTION NO. 2000-71 - ORDERING THE SUMMARY VACATION OF A PORTION OF BIRCH AVENUE WEST OF JACKSON AVENUE

(1A-6) RESOLUTION NO. 2000-72 - ORDERING THE SUMMARY VACATION OF A PORTION OF DOOLITTLE DRIVE AT BLYTHE AVENUE

(1A-7) * RESOLUTION NO. 2000-73 - 78TH AMENDMENT TO AAR 99-181 APPROPRIATING \$50,000 FOR COSTS ASSOCIATED WITH THE FORMATION OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 3 - PALM BLUFFS CORPORATE CENTER PUBLIC IMPROVEMENT PROJECT

(1A-8) RESOLUTION NO. 2000-74 - AUTHORIZING THE CHIEF OF POLICE TO SUBMIT AN APPLICATION, AND ANY OTHER RELEVANT DOCUMENTATION, TO THE OFFICE OF CRIMINAL JUSTICE PLANNING (OCJP) TO RECEIVE \$159,486 IN 1999 JUVENILE ACCOUNTABILITY AND INCENTIVE BLOCK GRANT

(1A-9) * RESOLUTION NO. 2000-75 - 10TH AMENDMENT TO PAR 99-182 ADDING ONE PERMANENT FULL-TIME POSITION TO THE CONVENTION CENTER TO ASSIST IN THE MARKETING AND PROMOTION OF ITS FACILITIES

a. * RESOLUTION NO. 2000-76 - 5TH AMENDMENT TO SALARY RES. 99-175 CREATING THE NEW CLASS OF CONVENTION CENTER MARKETING ASSISTANT

(1A-10) REJECT ALL BIDS RECEIVED FOR A REQUIREMENTS CONTRACT FOR STREETLIGHT EQUIPMENT, AND DIRECT STAFF TO REBID THE PROJECT WITH REVISED SPECIFICATIONS

(1A-11) APPROVE AN AGREEMENT WITH MUNICIPAL AUDITING SERVICES TO PROVIDE COMPLIANCE SERVICES IN CONNECTION WITH THE CITY'S BUSINESS TAX ORDINANCE

(1A-12) APPROVE THE FIRST AMENDMENT TO THE LEASE AND ADAPTIVE REUSE AGREEMENT WITH THE FRESNO CONVENTION AND VISITORS BUREAU FOR THE WATER TOWER PROJECT

(1A-13) RESOLUTION NO. 2000-77 - SUPPORTING THE BIG FRESNO FAIR 18TH ANNUAL CROSS-CITY RACE

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

BILLS FOR INTRODUCTION:

(1B-1) * BILL NO. B-20 - AMENDING SECTIONS OF THE FRESNO MUNICIPAL CODE RELATING TO THE DELETION OF MANDATORY RETIREMENT AGE PROCEDURE

a. APPROVE SERVICE EXTENSION PAST AGE 60 FOR FIRE CAPTAIN WAYNE MONTGOMERY AND FIREFIGHTER SPECIALIST WILLIAM FIORI

(1B-2) * BILL NO. B-21 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO WHO MAY FILE FOR EXAMINATIONS

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Bill Nos. B-20 and B-21 introduced before the Council and laid over, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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(9:30 A.M.) HEARING TO CONSIDER CORRECTED EXHIBITS AND FINAL APPROVAL FOR CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-98-156 FOR APPROXIMATELY 15 ACRES OF SURFACE MINING OVER 5 YEARS, FOR IMMEDIATE RECLAMATION OF APPROXIMATELY 13 ACRES OF PREVIOUSLY-MINED AREA, AND FOR POST-MINING RECLAMATION OF THE 15 ACRES, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF RICE ROAD AND LANES ROAD, WEST OF FRIANT AVENUE

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planner Brock reviewed the staff report, stating there were approximately fifteen corrected exhibits and discussed the final reclamation landscape plan.

Dirk Poeschel, representing the Caglia family, summarized the year's effort working with the State and discussed the landscaping plan including planting protocols, irrigation system, security, improvements with the drainage problems around the site and preventing erosion along the roads.

Barbara Hunt, 44 "F" Street, spoke in opposition.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

Acting President Bredefeld questioned the number of homes notified and hours of operation with Planner Brock responding.

Extensive discussion ensued regarding charging of fees. Acting President Bredefeld expressed concern relative to fees not being charged to large operations using the Friant Road, stated the trucks have a major impact on the road and should be charged a fee for repairs with Planner Brock stating the environmental assessment was approved prior to Council requesting the City staff develop a nexus study and fee program. Acting President Bredefeld stated there was an oversight on the part of the staff in terms of not requiring companies to pay fees and elaborated. Development Director Yovino stated meetings were held with CalTrans relating to impact fees, stated there is no impact fees for additional vehicles.

Councilmember Perea referred to the Cambridge project, stated the impact fees were resolved at that time and expressed concern relating to traffic problems, and stated projects continue to get approved and no fees are being charged. City Manager Reid clarified Council direction was to create a fee policy, reviewed the process that has taken place and the legal standards for the nexus study, and stated the City cannot ignore the State statutes that govern how the fees are created. Councilmember Perea requested the Clerk's Office to provide a copy of the Council tape relating to the discussion of the impact fee relating to the Cambridge project.

Councilmember Mathys stated projects are being approved before mitigating problems, large companies need to be held accountable in assisting in repairing the roads and stated for the record he would not approve another project along Friant until a fee policy and nexus study has been mitigated.

Councilmember Steitz stated Council has already approved the Environmental Assessment, and today the vote was to approve the reclamation plan and made a motion to approve CUP No. C-98-156, which was voted upon after brief discussion. Extensive discussion ensued regarding a nexus study and collection of fees.

Mr. Reid stated staff would research the discussion of impact fees relating to the Cambridge Project and report back to Council, recommended Council request a legal brief on the requirements of AB 1600 and a nexus study before requiring fees and elaborated. City Attorney Montoy reviewed the previous Council discussions, stated Council approved the rezone and directed only certain minimal concern be addressed by the applicant and none of the entities involved in this project have determined any impact that would create the collection of fees.

On motion of Councilmember Steitz, seconded by Councilmember Mathys, duly carried, RESOLVED, based upon reviews and analyses of the project, CUP No. C-98-156 hereby approved, in accordance with the Special Permit Conditions of Approval dated 11/16/98; General Conditions to Project Approval; and Exhibits M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8, R-1, R-3, R-3, R-4, and R-5, as corrected, all dated 8/19/99; with Exhibits RL-1, RL-2, and RL-3, as corrected, dated 12/10/99; and subject to later approval of the financial assurance document for reclamation and post-reclamation maintenance, by the following vote:

Ayes	:	Mathys, Quintero, Steitz, Boyajian
Noes	:	Bredefeld, Perea
Absent	:	Ronquillo

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(9:45 A.M.) HEARING TO CONSIDER APPROVAL OF A REVISED FREEWAY AGREEMENT WITH THE STATE OF CALIFORNIA FOR ROUTE 180 FROM CHESTNUT TO CLOVIS AVENUES
1. RESOLUTION NO. 2000-78 - APPROVING A REVISED FREEWAY AGREEMENT WITH THE STATE OF CALIFORNIA FOR ROUTE 180 FROM CHESTNUT TO CLOVIS AVENUES

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Barbara Hunt, 44 "F" Street, spoke briefly on the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Resolution No. 2000- 78 approving a freeway agreement with the State of California for construction of Route 180 from Chestnut to Clovis Avenue and authorizing the City Manager to execute said agreement on behalf of the City hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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(10:00 A.M.) CONTINUED HEARING TO CONSIDER AMENDMENTS TO THE DEVELOPMENT AGREEMENT WITH CALCOT, LTD., RELATIVE TO DEVELOPMENT OF TRACT NO. 4637 - PALM BLUFFS CORPORATE CENTER

1. BILL NO. B-22 - ORDINANCE NO. 2000-22 - APPROVING MINOR INSURANCE-RELATED CITATIONS AND PROJECT BOUNDARY AMENDMENTS TO THE EXISTING DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FRESNO AND CALCOT, LTD., A CALIFORNIA CORPORATION, FOR TRACT NO. T-4637

(3-0) President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Mathys, seconded by Acting President Bredefeld, duly carried, RESOLVED, the Categorical Exemption contained in the staff report hereby adopted, and the above entitled Bill No. B-22 adopted as Ordinance No. 2000-22, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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(10:15 A.M.) HEARING ON REZONING APPLICATION NO. R-00-02, FILED BY GLEN SELF, PROPERTY LOCATED AT 9303 N. MAPLE AVENUE

1. BILL NO. B-23 - ORDINANCE NO. 2000-23 - AMENDING THE OFFICIAL ZONE MAP TO REZONE MAP TO REZONE FROM AE-20/GUM TO R-1-C/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Mathys, duly carried, RESOLVED, the Categorical Exemption for Environmental Assessment No. R-00-02 hereby approved, and the above entitled Bill No. B-23 adopted as Ordinance No. 2000-23, subject to the dedication of N. Maple Avenue right-of-way, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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(10:30 A.M.) HEARING ON PLAN AMENDMENT NO. A-99-30, REZONING APPLICATION NO. R-99-45, AND ENVIRONMENTAL FINDINGS, FILED BY RIVERVIEW ESTATES, PROPERTY LOCATED BETWEEN AUDUBON DRIVE AND THE SAN JOAQUIN RIVER BLUFFS AT THE PALM AVENUE ALIGNMENT

1. CONSIDER ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION NO. A-99-30/R-99-45

2. RESOLUTION NO. 2000-79 - AMENDING THE BULLARD COMMUNITY PLAN

3. BILL NO. B-24 - ORDINANCE NO. 2000-24 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM O/BP/UGM, R-1/BA-20/BP/UGM AND R-1/BA-20/UGM TO R-1/BA-20/BP/UGM, C-P/BA-20/UGM, C-P/BA-20/BP/UGM AND O/BP/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

A motion by Councilmember Mathys to approve the above listed item was voted upon after brief discussion.

Upon call, no one wished to be heard and President Boyajian closed the hearing.

Councilmember Perea questioned property located on Tentative Tract 4913, stated there were two pieces of property involved and questioned the process of deeding over the bluff side property with Planning Manager Haro responding. Brief discussion ensued regarding lot line adjustments. With Council consensus the item will be placed on the March 29, 2000, San Joaquin Conservancy agenda for discussion.

On motion of Councilmember Mathys, seconded by Acting President Bredefeld, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-99-30, R-99-45 dated 1/31/00 hereby approved; the above Resolution No. 2000-79 hereby adopted; and the above entitled Bill No. B-24 adopted as Ordinance No. 2000-24, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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(5A) * RESOLUTION NO. 2000-80 - 83RD AMENDMENT TO AAR 99-181 APPROPRIATING \$4,500 FROM DISTRICT 7's GENERAL FUND INFRASTRUCTURE BUDGET TO FUND A PORTION OF THE FRESNO POLICE DEPARTMENT RESERVE UNIT ANNUAL AWARDS AND APPRECIATION DINNER - COUNCILMEMBER PEREA

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, Resolution No. 2000-80 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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(5B) PROPOSED APPOINTMENT OF ROBERT SEIGEL TO THE HUMAN RELATIONS COMMISSION -

COUNCILMEMBER RONQUILLO

On motion of Acting President Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, the above listed item hereby introduced and laid over, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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(5C) APPROVE REQUEST BY LEADERSHIP CLASS OF ROOSEVELT HIGH SCHOOL TO REMAIN ON SITE CONTINUOUSLY FOR THE PERIOD 3/24/00 TO 3/27/00 TO RAISE FUNDS TO ASSIST FUNDING EFFORTS FOR THE WORLD WAR II MEMORIAL BEING BUILT IN WASHINGTON, D.C. - COUNCILMEMBER QUINTERO

A motion by Councilmember Quintero to approve the above listed item, was voted upon after brief discussion.

Councilmember Steitz requested clarification of the location of the event with Councilmember Quintero stating the location was the Veteran's Memorial Auditorium, and would be included to the motion. City Attorney Montoy stated a receipt of a hold harmless agreement needed to be added to the motion.

On motion of Councilmember Quintero, seconded by Councilmember Mathys, duly carried, RESOLVED, the request by Leadership class of Roosevelt High School to remain on the site of the Veterans' Memorial Auditorium continuously for the period 3/24/00 to 3/27/00 to raise funds to assist funding efforts for the World War II Memorial being build in Washington, D.C. and for the other party to receive a hold harmless agreement provided by the City of Fresno, hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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(5D) DECLARE ST. ANTHONY'S BREAD BASKET, INC. THE REGIONAL FOOD BANK FOR THE CITY AND COUNTY OF FRESNO - COUNCILMEMBER QUINTERO

A motion by Councilmember Quintero, seconded by Councilmember Mathys to continue the item failed due to a later subsequent motion.

Councilmember Quintero explained the purpose for the declaration, stated declaring St Anthony's Bread Basket, Inc. a regional food bank would provide an opportunity to purchase food and in turn provide the food to the community at no charge.

Councilmember Perea expressed concern relating to making the declaration on behalf of the County and questioned the impact on the Social Service funding with Councilmember Quintero responding.

With Council consensus, the above listed item to be tabled one week in order for questions relating to potential conflict be answered and to provide an opportunity for the public and other entities to participate in the discussion.

On motion of Councilmember Steitz, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitle item, hereby laid over to 3/21/00 at 9:45 a.m., by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Steitz
Noes	:	Quintero, , Boyajian
Absent	:	Ronquillo

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(5E) * DIRECT THE CITY MANAGER OR DESIGNEE TO INSTALL A STOP SIGN AT E. HAMILTON AND S. ORANGE AVENUE (DOES NOT MEET WARRANTS) - COUNCILMEMBER QUINTERO

On motion of Councilmember Quintero, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above listed item hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Boyajian
Noes	:	Steitz
Absent	:	Ronquillo

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(11:00 A.M.) TEFRA HEARING AS REQUIRED BY SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986 TO HEAR AND CONSIDER INFORMATION RELATIVE TO THE PROPOSED ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS BY THE CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY (CSCDA) TO PROVIDE FINANCING FOR THE ACQUISITION AND REHABILITATION OF A MULTIFAMILY RESIDENTIAL RENTAL PROJECT LOCATED AT 2825 W. ALAMOS AVENUE - PINE WEST APARTMENTS PROJECT

1. RESOLUTION NO. 2000-81 - PROVIDING APPROVAL FOR CSCDA TO ISSUE MULTIFAMILY HOUSING REVENUE BONDS FOR THE ACQUISITION AND REHABILITATION OF THE PINE WEST APARTMENTS

A motion by Councilmember Mathys to approve the above listed resolution was voted upon after brief discussion.

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Barbara Hunt spoke to the issue.

Council President Boyajian questioned whether any evictions would occur with the approval of the project, noted evictions had occurred in the past in the Del Monte Pines Apartment Project due to the tenants' income being too high. Dennis Gaab, representing Klein Financial Corporation, 2445 Capitol Street, stated the applicant has paid particular attention to the issue and assured Council there would be no displacement of residents in the project.

Terry Freeman, National Director for Affordable Housing, explained the displacement issue extensively, stating an audit was performed and the financing was restructured which still allowed the project to qualify for bond financing and the low income housing tax credits and elaborated.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Mathys, seconded by Councilmember Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-81 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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(3A) * BILL NO. B-19 - ORDINANCE NO. 2000-25 - AMENDING SECTION 2-1801 OF THE FRESNO MUNICIPAL CODE ADDING ANNUAL LEAVE WHICH IS ACCRUED IN LIEU OF VACATION AND SICK LEAVE FOR PARTICIPATING CITY EMPLOYEES

Councilmember Bredefeld questioned whether the issue relating to Sheila Smith's letter submitted to Council last week was resolved with Controller Souza stating there will be an implementation within the salary resolution allowing a one-time election for current employees to either retain the current benefit structure or move into the annual leave plan.

On motion of Councilmember Mathys, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Bill No. B-19 adopted as Ordinance No. 2000-25, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Ronquillo

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UNSCHEDULED ORAL COMMUNICATION:

Barbara Hunt, 44 "F" Street discussed police activities, availability of jobs in Fresno and other issues.

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RECESS - 11:24 A.M. - 11:37 A.M.

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(11:30 A.M.) BILL NO. B-17 - REPEALING SUBSECTION (c) OF SECTION 3-404 OF THE FRESNO MUNICIPAL CODE RELATING TO EXEMPTION FROM PAYMENT OF PREVAILING WAGES

Management Analyst Milavich briefly reviewed the item including the three major projects being undertaken at the present time, stated Shaw Avenue involved State funds and would be bid at prevailing wage, Shields and Belmont involved Federal funds and would be bid at non-prevailing wage. Councilmember Perea stated he cannot support any type of motion relating to prevailing wage that would lessen the pay the employees would receive on City projects.

Councilmember Steitz expressed concern regarding the impact of the relationship with Tree Fresno, and made a motion to adopt the bill. **(4-0)**

City Manager Reid stated the provision that allows the exemption from the standard rules for this particular work was adopted specifically to provide for the flexibility to do these partnerships with Tree Fresno and requested Council consider continuing the rules that have been applied to in the past.

Councilmember Steitz expressed concern relating to the current agreements with Tree Fresno projects, stated the projects would be at risk due to not being completed, and using volunteer labor cannot be done if prevailing wage are required and elaborated.

A motion by Councilmember Steitz to adopt Bill No. 17 repealing Subsection (c) of Section 3-404 of the Fresno Municipal Code relating to exemption from payment of prevailing wages was made and died due to a lack of a second.

Mr. Bob Jennings spoke in support of prevailing wage.

LUNCH RECESS - 11:49 A.M. - 2:14 P.M.

(3C) REPORT ON STATUS OF THE TRADE AND COMMERCE AGENCY DISTRIBUTION CENTER GRANT PROJECT

1. RESOLUTION - APPROVING AN AGREEMENT FOR RELOCATING BASIN "T" TO BASIN "BU" AND RELATED IMPROVEMENTS INCLUDING PIPELINES, AMONG THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT, CITY OF FRESNO AND THE REDEVELOPMENT AGENCY, CONSENTING TO AGENCY EXPENDITURES, AND MAKING CERTAIN FINDINGS

City Manager Reid stated this was a complex issue and reviewed the staff report as submitted including the \$500,000 state grant, the project to use the grant funds, timeline the City was under to expend those funds, and the involved process. Transportation Director Hayes advised of the planning efforts and goals of the airport using displays to illustrate.

Richard Harriman, 246 W. Shaw, Ste. 155, questioned if an EIR had been conducted for the GAP project, spoke in opposition citing procedural concerns, and submitted a page of CEQA guidelines which was made part of record and is on file in the office of the City Clerk.

Agency Director Fitzpatrick reviewed the background of the issue; gave an overview of the Agency's participation in the matter, the ponding basin relocation project, how to pay the \$3.4 million cost, and necessary agreements; stated he was ready and willing to follow direction and work with City staff on elements needed to complete the project; and requested a 1-2 week delay to allow staff to submit the necessary documents to move forward.

Mr. Reid, Development Director Yovino and Doug Harrison, Fresno Metropolitan Flood Control District Manager, responded to questions of Councilmember Steitz relative to how the grant would be affected with a delay as requested, compliance with CEQA requirements **(5 - 0)**, and if the District was in support of the pipeline project. Councilmember Steitz made a motion to adopt the above resolution stating the necessary details would be worked out and commended staff for their work to ensure the grant would not be lost.

Mr. Reid responded to questions of Acting President Bredefeld relative to the project costs, closure of Airways Golf Course, cost to build a new golf course, and how much The Gap was contributing towards the ponding basin relocation. Stating The Gap paid the City \$2.00 for property, Acting President Bredefeld expressed his concern with the City paying \$3.4 million and made a motion to direct staff to meet with Gap officials relative to paying the relocation costs, with Mr. Reid responding. Acting President Bredefeld stated a lot of third hand information had been received and noting Gap officials absence from Council meetings, requested staff invite them here for discussions.

Councilmember Perea stated he also had a lot of the same concerns expressed by Acting President Bredefeld, presented questions relative to costs expended by the City to provide infrastructure/off-site improvements for The Gap, with Mr. Reid responding, stated he understood what needed to be accomplished but was reluctant to provide more and more for the Gap without a City policy on contributions to new companies and without speaking to Gap officials, and seconded Acting President Bredefeld's motion.

companies similar to The Gap that were located in Fresno, cost for the ponding basin project alone, and estimated property tax revenues and number of jobs that would be generated with The Gap's expansion. Councilmember Mathys spoke in support of the resolution emphasizing at issue was The Gap's investment in Fresno and their future investment and benefit to the community, expressed his concern stating Council was sending a very negative message, and seconded Councilmember Steitz' earlier motion to adopt the resolution.

Councilmember Steitz stated there had been a lot of confusion with the issue, clarified the City already agreed to relocate the ponding basin, stated it made sense to spend \$3.4 million citing The Gap's \$40 million investment, noted there were other less expensive options but they would affect the Airport Master Plan and result in the loss of the grant, and called for the vote on his motion stressing the City needed to move forward and utilize the grant for the project. City Attorney Montoy advised Acting President Bredefeld's motion was on the floor as it was seconded before Councilmember Steitz' motion.

President Boyajian emphasized Council had been told previously the City would not be contributing any more money for The Gap, stressed the grant had been around for four years and questioned why issues had not come to light sooner, and expressed concern with the talks to do away with Airways. President Boyajian noted the motion on the floor was to meet with Gap officials. Acting President Bredefeld stated in the interim staff could report back with options and concluded stating the City had given at least \$18 million to The Gap and had done its part.

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, staff directed to meet with Gap officials relative to paying the \$3.4 million ponding basin relocation costs, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Boyajian
Noes	:	Mathys, Steitz
Absent	:	Ronquillo

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(2:30 P.M.) WORKSHOP ON EXISTING MID-RISE/HIGH-RISE CORRIDOR - COUNCILMEMBER PEREA

Laid over one week at the direction of Councilmember Perea. Councilmember Steitz briefly left the meeting at 3:30 p.m.

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(2:45 P.M.) RESOLUTION NO. 2000-82 - IN SUPPORT OF THE NEW MEASURE "C" FOR FRESNO NEIGHBORHOODS, AS AMENDED - COUNCILMEMBER PEREA

Reviewed by Councilmember Perea who thanked the City Manager and Mayor's office for their support; stated according to a voter survey Fresno residents wanted older neighborhoods fixed up and streets improved, the Friant/41 interchange widened, alternative transportation, and rail consolidation; advised the resolution was in support of the next Measure "C" contingent upon a change in the formula which would allow dollars to come back into Fresno for those needs and made a motion to approve the resolution.

relative to neighborhoods, stated he hoped this would send a message that it was time to reinvest tax dollars back into neighborhoods, and seconded the motion.

Upon question of Councilmember Quintero, Grant Writer LeBlanc stated the resolution as proposed would not delay or affect the 180 east project and briefly commented on the expenditure plan. Councilmember Quintero expressed concern that the Peach Avenue widening project was not addressed in the resolution and requested it be made part of the resolution, with staff and Councilmember Perea stating it could.

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Resolution No. 2000-82 hereby adopted, *as amended, to include the Peach Avenue Widening (Belmont to Butler Avenue) Project*, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Boyajian
Noes	:	None
Absent	:	Ronquillo, Steitz

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(3:00 P.M.) HEARING TO CONSIDER THE FOLLOWING APPEALS REGARDING DETERMINATION ON THE PROPOSED FLAGPOLE AND MONUMENT AT THE FRESNO VETERANS MEMORIAL AUDITORIUM AT 2425 FRESNO STREET:

1. ADOPTION OF THE MITIGATED NEGATIVE DECLARATION
2. APPROVAL BY THE DEVELOPMENT DIRECTOR OF CONDITIONAL USE PERMIT (CUP) APPLICATION NO. C-99-149
3. FRESNO HISTORIC PRESERVATION COMMISSION DENIAL OF THE REGULATORY PERMIT

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planning Manager Beach reviewed the staff report as submitted, the items at issue, the appeals filed and addressed points raised in the appeals **(6 - 0)**, and recommended the mitigated negative declaration be adopted and the CUP approved. City Manager Reid reiterated and clarified the two separate issues were the appeal of the Planning Commission's vote and the Historic Preservation Commission's denial of the regulated permit and explained.

Speaking in opposition to the project (location) were: James Oakes, Architect/Planner, 191 W. Shaw #101, who questioned if Councilmember Steitz had a conflict of interest, with City Attorney Montoy stating he did not; Bruce Owdom, representing the Memorial Auditorium Restoration Society (MARS), 5250 N. Palm #402; Roger Taylor, Architectural Historian, 4557 E. Pico; Steve Mensel, 1221 Van Ness; Mabelle Selland, MARS Founder, 1483 E. Portals; and Joan Weeks, 903 E. Frederick.

Chuck Monges, 3501 E. Balch, spoke in support of the project.

Continuing in opposition were George Hamparson, 361 W. San Ramon; **(7 - 0)** Aletha Lang, 5542 Colonial Dr. N.; and Harry Markus, 1729 E. Tyler.

Continued speakers in support were: Bruce Kinabrew, 282 W. Portland; Gerry Eckenrod, 8525 N. Calaveras; Ron Markarian, 8547 N. Calaveras; Lloyd Camp; Keith Settle; and Donald Black.

Upon call, no one else wished to be heard and President Boyajian closed the public testimony portion of the hearing.

Mr. Beach responded to various issues raised by opponents of the project including but not limited to ADA requirements, alternatives, significant impacts on the environment, and following/complying with guidelines and CEQA requirements. Mr. Reid, speaking on behalf of the City of Fresno, stated all guidelines had been followed.

Noting all written and verbal evidence/testimony had been presented, Ms. Montoy requested Council close the public hearing, take all evidence under submission, and continue the hearing one week to allow her office to review documentation/information presented and return with a written legal report for Council action. A motion and second was made to close the hearing and continue it one week as requested by the City Attorney. Upon question of Councilmember Quintero, Ms. Montoy recommended against voting to approve the project “in concept” stating she preferred for Council to have the benefit of her legal advice.

A motion of President Boyajian, seconded by Councilmember Perea, to close the hearing and continue it one week for a legal report failed, by the following vote:

Ayes	:	Perea, Boyajian
Noes	:	Bredefeld, Mathys, Quintero, Steitz
Absent	:	Ronquillo

Councilmembers Mathys and Steitz spoke in support of Veterans and the proposed monument stating the Memorial Auditorium would not be destroyed or negatively affected, whereupon Councilmember Steitz made a motion to approve the mitigated negative declaration, CUP and permit. The motion was seconded and acted upon after additional discussion. Acting President Bredefeld and Councilmember Quintero also spoke in support of Veterans and the project.

Historic Preservation Specialist Mellon, HNR Director Quiring and Mr. Reid responded to questions of Councilmember Perea relative to the role of the Historic Preservation Commission (HPC), staff and the HPC’s position on the issue, and type of services staff provides to the commission. Councilmember Perea stressed this was not an issue of supporting Veterans and expressed his concern with the system and process that was followed stating the fact that staff supporting the HPC could not speak before Council spoke volumes.

President Boyajian concurred with Councilmember Perea, stated there would be a significant impact on the building, stressed an EIR was needed and the law needed to be supported, stated the City was crippling the Arts and explained, and noting the opposition was strong and substantial stated he would not support the motion as it was illegal.

Councilmember Steitz maintained his motion and stated based on information presented findings could be made that (1) the proposed work was found to be consistent with the purposes of Article 4 of the Historical Preservation Ordinance and the Secretary of Interior Standards and would not be detrimental to the special historical, architectural or aesthetic interest or value of the historical resource, and (2) that the site was required for a public use which would directly benefit the public health, safety and welfare and would be of more benefit to the public than a historic resource, which findings were entered into the record and at request made part of his motion.

On motion of Councilmember Steitz, seconded by Councilmember Mathys, duly carried, RESOLVED, based on the findings verbalized by Councilmember Steitz, the Mitigated Negative Declaration for Environmental Assessment No. C-99-149 hereby approved; Conditional Use Permit Application No. C-99-149 approved, subject to the conditions listed in the report to the Planning Commission contained in the staff report; and the Historical Resources Regulated Permit approved, by the following vote: **(8 - 0)**

Ayes	:	Bredefeld, Mathys, Quintero, Steitz
Noes	:	Perea, Boyajian
Absent	:	Ronquillo

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(2:00 P.M.) CLOSED SESSION

(A) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - GOVERNMENT CODE SECTION 54957 - TITLE: CITY CLERK

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: ROBERTS MANAGING CONTRACTORS, INC. V. CITY OF FRESNO

(C) CONFERENCE WITH LEGAL COUNSEL - FRIEND-OF-THE-COURT-PARTICIPATION - GOVERNMENT CODE SECTION 54954.2, SUBDIVISION (a) - CASE NAME: SWENSON V. COUNTY OF LOS ANGELES

(D) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: CITY OF FRESNO V. LESLIE P. BUSICK, ET AL. - SUP. CT. NO. 619345-2

(E) JOINT COUNCIL/AGENCY: CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAMES:

1. CIVIC CENTER SQUARE, INC. V. COF; SUP. CT. #612624-7
2. CITY OF FRESNO V. CIVIC CENTER SQUARE, INC., ET AL; SUP. CT. #612629-6
3. CITY OF FRESNO V. GORDON WEBSTER, ET AL.; SUP. CT. #612630-4
4. CITY OF FRESNO V. CIVIC CENTER SQUARE, INC.; SUP. CT. #612631-2

The Council met in regular and in joint closed session with the Agency at the hour of 5:15 p.m. to consider the above items. Councilmembers Mathys and Perea left and were absent for the remainder of the meeting. Council reconvened in regular open session at 5:39 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney Montoy announced in the matter of **Item “C”**, Friend-of-the-Court-Participation, Swenson v. County of Los Angeles, the Council voted 4-0-3 to join in the amicus effort with Councilmembers Mathys, Perea and Ronquillo absent.

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135-119

3/14/00

(3B) APPROVE CONTRACT CHANGE ORDER NO. 46 FOR THE FRESNO YOSEMITE INTERNATIONAL TERMINAL BUILDING CONCOURSE AND BAGGAGE CLAIM RENOVATION AND ADA IMPROVEMENTS - CIP NOS. 186502, 186700, 186908, 187500, 187609, 188003 AND 183616-593)

On motion of Councilmember Steitz, seconded by President Boyajian, duly carried, RESOLVED, Contract Change Order No. 46 hereby approved at a lump sum amount of \$200,000; and the Public Works Director authorized to sign the change order on behalf of the City, by the following vote:

Ayes	:	Bredefeld, Quintero, Steitz, Boyajian
Noes	:	None
Absent	:	Mathys, Perea, Ronquillo

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 5:40 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED this _____ day of _____ 2000.

_____	ATTEST: _____
Tom Boyajian, Council President	Yolanda Salazar, Assistant City Clerk

135-120

3/14/00